

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN DAVID ROBERTS,

Plaintiff,

v.

KEVIN R. MCCARTHY, *et al.*,

Defendants.

Case No. 2:11-CV-00080-KJD-LRL

ORDER

Plaintiff's complaint was filed in state court on December 16, 2010. Federal Rule of Civil Procedure 4(m) requires service of summons and complaint to be made upon a defendant 120 days after the filing of the complaint. The 120 day time period for effecting service of the summons and complaint upon the sole remaining defendant, R.K. Arnold ("Arnold"), expired no later than April 18, 2011. On April 26, 2011, the Court ordered Plaintiff to file proof of service of the summons and complaint no later than May 12, 2011, and warned Plaintiff that failure to do so would result in the complaint against Arnold being dismissed without prejudice.

////

////

////

1 Plaintiff has failed to file proof of service on Defendant Arnold, or to otherwise respond to
2 the Court's order. Therefore, the Court dismisses Plaintiff's complaint without prejudice against
3 Defendant Arnold for failure to serve Defendant in compliance with Rule 4(m). The Clerk of the
4 Court shall close this case.

5 **IT IS SO ORDERED.**

6 DATED this 16th day of May 2011.

7
8 

9
10 Kent J. Dawson
United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26